

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

WP(C).No. 22924 of 2007(D)

PETITIONER:

ANEESH ASOKAN,
THAICKOOTTATHIL HOUSE, EZHUPUNNA SOUTH P.O.,
CHERTHALA, PIN 688550.

BY ADV. SRI.M.CHATHUKUTTY NAMBIAR
SRI.DILIP VARGHESE

RESPONDENTS:

1. THE CHAIRMAN,
AIRPORT AUTHORITY OF INDIA, RAJEEV GANDHI BHAVAN,
SAFDARJUNG AIR PORT, NEW DELHI- 110003.
2. THE DEPUTY GENERAL MANAGER (P & A),
AIRPORTS AUTHORITY OF INDIA,
COCHIN INTERNATIONAL AIRPORT,
COCHIN-683111.
3. THE EXECUTIVE DIRECTOR (P&A),
AIRPORTS AUTHORITY OF INDIA,
CHENNAI.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.), SC
SRI.S.SUJIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

V.GIRI,J.

W.P (C) No. 22924 of 2007

Dated this the 23rd October, 2007

J U D G M E N T

The petitioner's mother K.N.Pushpam died in harness in the year 1999 when she was working as a Safaiwala in the Kochi Airport. Exhibit-P1 application was submitted by him on 14.1.2000 seeking appointment under the dying in harness scheme. By Exhibit-P3 communication dated 7.12.2001 the application was rejected stating that the same cannot be agreed to. Petitioner sought for review of the decision taken under Exhibit-P3 by submitting Exhibit -P4 before the 1st respondent, Airport Authority. Ultimately, Exhibit-P6 reply was given by the 2nd respondent showing the reasons as to why the Airport Authority is not inclined to appoint the petitioner under the dying in harness scheme. Petitioner challenges Exhibit-P6 in this writ petition.

2. Essentially, the contention taken up by the petitioner is that his father remarried a shortwhile after his mother passed away and that he is maintaining a separate family. Petitioner and his sister are living in their mother's house and the father is not looking after them. They do not have any

other landed property except 10 cents of land and house situated therein.

3. In the counter affidavit filed by the respondents, they have reiterated the reasons stated in Exhibit-P6. The main point raised by the respondents is that petitioner's father T.K. Asokan was a Head Clerk in the office of the Dredger Sub Division, Ernakulam, Civil Station, Kakkanadu and was drawing a basic pay of Rs.5,250/- as on 30.9.2000. Terminal benefits due under the account of the deceased was released to the family of the deceased, I cannot say the reasons given by the respondents either in Exhibit-P6 or in the counter affidavit filed by respondents 1 to 3 are erroneous or otherwise untenable. The fact that petitioner's father was employed at the time of death of his mother and he continues as such is obviously a relevant fact to be taken note of in dealing with an application under the dying in harness scheme. According to the petitioner, the father does not look after his children on account of his remarriage. In my view, the father of the petitioner continues to be the head of the family. It is definitely open to the respondents to take note of

the said fact in dealing with the application for appointment under the dying in harness scheme. I see no error of jurisdiction or an arbitrary exercise of power or failure on the part of the respondents to exercise their jurisdiction properly while passing Exhibit-P6 order. The writ petition is liable to be dismissed and I do so.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007